

REMARKS

By this Amendment, Applicants cancel claims 1, 2, and 4-6, without prejudice or disclaimer of the subject matter therein, amend claim 3, and add new claims 7 and 8 to protect additional aspects of the invention. Claims 3, 7, and 8 are therefore pending.

In the Office Action of November 21, 2003¹ ("OA"), claims 1 and 4-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,797,089 to *Nguyen*; and claims 2 and 3 were objected to as being dependent upon a rejected base claim. Applicants appreciate the Examiner's indication of allowable subject matter and address the rejection and objection as set forth below. Applicants also request the timely allowance of claims 7 and 8, as discussed below.

Claims 2 and 3

The Examiner objected to claims 2 and 3 as being dependent upon a rejected base claim, indicating that the claims would be allowable if rewritten in independent form with the limitations of the respective base and intervening claims. By this Amendment, Applicants cancel claim 2 and, therefore, deem the objection to that claim moot.

Claim 3, as currently presented, recites a combination including:

means for enabling the processing means when the apparatus is switched on, and for enabling the transmission means when the receiving means thereafter receives a predetermined instruction.

Nguyen fails to teach or suggest at least the above-noted element. In fact, the Examiner concedes (OA, page 4) that *Nguyen* fails to teach means that "renders the information processing means operable after switch-on of the apparatus, and if a predetermined instruction from the user has

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether or not any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

been accepted thereafter...enables the transmission of the radio signal....” Claim 3, as currently presented, is neither dependent from a rejected base claim nor anticipated or rendered obvious by *Nguyen*. Accordingly, Applicants request withdrawal of the objection and the timely allowance of claim 3.

Rejection of claims 1 and 4-6 under 35 U.S.C. § 102(b)

By this Amendment, Applicants cancel claims 1 and 4-6. The rejection of claims 1 and 4-6 is rendered moot by the cancellation of those claims.

New claims 7 and 8

New independent claim 7 recites a combination including:

means for enabling the first mode when the apparatus is switched on, and for enabling the second mode when the receiving means thereafter receives a predetermined instruction.

Nguyen does not teach or suggest at least the above-noted claim element. *Nguyen* describes a personal communications terminal, which “comprises a mobile telephone unit and a personal digital assistant (PDA)...” (Abstract). Although, as noted by the Examiner (OA, page 2), *Nguyen* mentions a “PDA power switch 25 and...[a] telephone power switch 26m which...power on/off the PDA unit and the telephone unit, respectively...” (col. 4, lines 8-13), the reference does not teach or suggest at least “means for enabling...[a] first mode when the apparatus is switched on, and for enabling...[a] second mode when...receiving means thereafter receives a predetermined instruction,” as claimed. For at least this reason, claim 7 is neither anticipated nor rendered obvious by *Nguyen*. Applicants therefore request the timely allowance of new claim 7.

New independent claim 8 recites a combination including:

means for prohibiting the radio signal transmission by the transmitting means in accordance with the instruction, while keeping the processing means and the radio signal receiving means operable.

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Nguyen does not teach or suggest at least the above-noted claim element. In *Nguyen*'s system, as noted by the Examiner, the telephone unit includes a "radio transmitter 54" and a "radio receiver 55" (col. 5, lines 26-31). According to *Nguyen*, when "power is ON to the telephone unit,...normal wireless telephone functions are enabled" (col. 6, line 66 - col. 7, line 2). Although *Nguyen* mentions a radio transmitter and receiver, the reference does not disclose "prohibiting the radio signal transmission...while keeping...processing means and...radio signal receiving means operable," as claimed. Assuming, *arguendo*, that the radio receiver 55 were consistent with the receiving means of claim 8, *Nguyen* does not disclose that the radio receiver 55 remains operable while signal transmission is prohibited. *Nguyen* does not teach or suggest at least "means for prohibiting the radio signal transmission...in accordance with the instruction, while keeping the processing means and the radio signal receiving means operable." For at least this reason, claim 8 is neither anticipated nor rendered obvious by *Nguyen*. Applicants therefore request the timely allowance of new claim 8.

Conclusion


In view of the foregoing, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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